

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 17849 of 2006

DATED: 28-8-2006

Between:

M.Vittal

petitioner

And

The Regional Manager, APSRTC,
Medak region, Medak dist and another

Respondents

-
-
-
-
-
-
-
THE HON'BLE SRI JUSTICE N.V.RAMANA

-
WRIT PETITION NO. 17849 of 2006

ORAL ORDER:

The present writ petition is filed questioning the action of the respondents in withdrawing the stagnation increment granted in the year 1994, on promotion to the post of Junior Assistant.

The petitioner joined the respondent corporation as Conductor in the year 1980 and on completion of 12 years service in terms of the circulars of the corporation, one stagnation increment was granted to him in the year 1994. Subsequently, he was promoted as Junior Assistant by orders dated 24.12.1994. While so, proceedings dated 14.1.2004 were issued ordering the recovery of the stagnation increment granted to the petitioner. As against the said order, the petitioner submitted an appeal to the first respondent and the same is pending. It is also stated that the recoveries were being effected in terms of memorandum No. P5/544(10)/96-PO(IV) dated 5.3.1997, whereby it was clarified that the employees promoted on or after 1.8.1994 are not eligible for benefit of notional increment while fixing pay in the promotional /higher post. The petitioner claims that the memorandum is prospective in nature and the same cannot be applied to the case where stagnation increments were already granted.

Hence, the present writ petition.

Learned counsel for petitioner submitted that the notification dated

5.3.1997 is not applicable to the cases where the stagnation increment was already granted and without issuing prior notice calling for objections, initiating recovery is illegal.

Heard learned counsel for petitioner and learned Standing Counsel for respondent corporation.

Before passing the recovery orders, no notice was served on the petitioner calling for his objections and an appeal filed by the petitioner against the recovery order is pending consideration before the first respondent – Regional Manager. Hence, without going into the merits of the matter, this Court deems it appropriate to dispose of the writ petition, with the following direction;

The first respondent – Regional Manager is directed to consider and pass appropriate orders on the appeal filed by the petitioner in accordance with law expeditiously, if any pending.

Accordingly, the writ petition is disposed of . No costs.

N.V.RAMANA,J

DATE: 28-8-2006

TVK

-
THE HON'BLE SRI JUSTICE N.V.RAMANA

-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-

WRIT PETITION NO. 17849 of 2006